



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: MCKINLEY NO. 109

DATE: March 22, 2004

Approved

Date

COUNCIL DISTRICT: 5

RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as McKinley No. 109 which involves the annexation to the City of San Jose of 0.62 gross acres of land located at the southeast corner of White Road and Buckner Road and the detachment of the same from the County Lighting Service, Central Fire Protection, Area No. 01 (Library Services) County Service, and County Sanitation District – 2-3.

BACKGROUND

On January 13, 2003, the City Council adopted the rezoning from County to CN Commercial Zoning District.

The proposed annexation consists of a parcel of land identified as Assessor's Parcel Numbers 601-38-063, -067, -064, -074 and includes a portion of Buckner Road, and the detachment from County Lighting Service, Central Fire Protection, Area No. 01 (Library Services) County Service, and County Sanitation Districts 2 and 3.

ANALYSIS

The reorganization is defined as 100 percent consent, since the property owners of all four parcels are in agreement and have signed the annexation petition. There are no registered voters.

The proposed annexation would reduce the size of an existing County pocket and the land is within the City's Urban Service Area (USA). This parcel is surrounded by City territory on the north, west and east and County territory on the south. The proposed reorganization and annexation of the subject site conforms to the City's General Plan and Santa Clara County LAFCO policies specifying that existing and future urban development should take place within cities.

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Proceedings are being conducted under provisions of the California Government Code Section 56826, which grant the City conducting authority and allow the completion of reorganization in Santa Clara County without Local Agency Formation Commission (LAFCO) approval.

Before approving the reorganization proposal, the City Council is required to make certain findings as listed below. Staff comments follow each finding.

1. **The unincorporated territory is within the City's Urban Service Area as adopted by LAFCO.** *The site is located within the City's Central San Jose Planning Area, well within the City's Urban Service Area.*
2. **The County Surveyor has determined the boundaries of the proposal to be definite and certain and in compliance with LAFCO Annexation Policies.** *The County Surveyor has certified the boundaries of the reorganization.*
3. **The proposal does not split lines of assessment or ownership.** *All affected parcels are being reorganized in their entirety.*
4. **The proposal does not create islands or areas in which it would be difficult to provide municipal services.** *No such islands or areas are being created. The completion of reorganization proceedings would result in the reduction of a pocket of unincorporated territory.*
5. **The proposal is consistent with the City's adopted General Plan.** *The proposed annexation is consistent with the City's adopted policy within the General Plan, as well as LAFCO and the County of Santa Clara policy in specifying existing and future urban developed by located within cities.*
6. **The territory is contiguous to existing City limits.** *The area proposed to be reorganized is contiguous to the City limits along all sides as shown on the attached map.*
7. **The City has complied with all conditions imposed by LAFCO for inclusion of the territory in the City's Urban Service Area.** *No such conditions have been imposed.*

PUBLIC OUTREACH

A notice of the public hearing for the rezoning (C02-048) was distributed to the owners and tenants of all properties located within 500 feet of the project site. Notice of the public hearing was also published

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COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department, Finance Department and the City Attorney.

CEQA

EIR Resolution 65459

STEPHEN M. HAASE, DIRECTOR
Planning, Building and Code Enforcement

Attachments: Legal Description and Annexation Map

c: Mr. Jason Newton. 400 Reed Street, #316. Santa Clara, CA 95050.

207-02/EL

(Rev. 2/02)